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EXAMINER	
DALENCOURT, YVES	
ART UNIT	PAPER NUMBER
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,759	MARMOR, ELIYAHU	
	Examiner	Art Unit	
	YVES DALENCOURT	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32,35-42 and 48-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32,35-42 and 48-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02/03/2010;05/02/2010;07/06/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to amendment filed on 04/22/2010.

Response to Amendment

The Examiner has acknowledged the amended claims 1, 3, 7 – 13, 19, 20, 22, 23, 29, 39, 40, 50, and 53 – 55.

Response to Arguments

Applicant's arguments filed on 04/22/2010 have been fully considered but they are not persuasive.

Regarding Applicant's argument (page 10, first paragraph), that Weis's WYSIWYG editor is used for locally creating a web page and not for generating customization definition(s) for a presentation thereof at a plurality of local clients at a later time as recited in method claim 1. The Examiner respectfully disagrees with Applicant's assertion because Weis discloses that the authoring tools described herein have focused on allowing web content authors to easily add compelling feel content to their HTML pages. These HTML pages would then be seen, heard, and felt by end users over the WWW. However, end users may also be interested in using these tools, even though they may not be authoring web pages. **For end users, these tools can also offer a means of** customizing **the feel** content **in existing web pages to suit their preferences**. Such a feature is relevant in light of the fact that some browsers, such as Microsoft's Internet Explorer 4, provides an "Active Desktop", which treats the

entire operating system on the client machine as a web page. Therefore, the web page authoring tools can conceivably be used to customize the feel of files, folders, icons, scroll bars, buttons, windows, and other objects displayed in a GUI of an operating system. Thus, although Weis' teaches using WYSIWYG editor in the context of creating web page authoring application that includes force feedback editing functionality, it also allows end users to customize the feel content in existing web pages to suit their preferences (see col. 42, lines 44 – 59).

Applicant also argues (page 10, second paragraph), that the force effects are created as part of the creation of a certain web page and not added as a customization to a certain web page without changing it. As the customization taught by Weis is performed locally, for the preferences of a certain user, no original copy of visual content remains unchanged in a central unit, such as a remote server. The Examiner respectfully disagrees with Applicant's argument because Weis discloses that the end-users can customize the fell of files, folders, icons, etc. without changing the content stored at the remote server. The end-users can only modify the content received, but not the content stored at the remote server.

In response to argument (page 10, third paragraph), that Weis does not teach or imply any mechanism or methodology that allows a user to customize content, stored in a remote server, before it is presented to end users at a plurality of local clients, without changing the content stored in the remote server, as explicitly recited by claim 1. The Examiner contends that Weis discloses the user can also preferably associate audio feedback with web page objects using the web page authoring tool of the present

invention, where the audio effects are synchronized with any force effects of the web page object. For example, in editor 444, a list of sound files 446 is displayed which are available to be associated with the web page object 445. These sound files can be stored on a client machine or on a different machine accessible over a network, and are preferably in a standard format, such as wav or mp3 (see col. 32, line 60 through col. 33, line 11). Thus, when the modified content is stored locally, the original content stored at the server is not being changed.

Regarding Applicant's argument (pages 11 – 12) as far as claims 25 – 30, 35 – 42, and 48 – 55, the Examiner contends that the combination of the references does read on the claimed language.

Applicants are interpreting the claims very narrow without considering the broad teaching of the combined references to meet the claimed language. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard:

The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).

In view of such, the rejection is as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 24, 31, 35 – 40, and 48 – 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Wies et al (US 6,161,126; hereinafter Wies).

Regarding claim 1, Wies discloses a method of defining customization for electronic visual content retrieved over an electronic connection, comprising:

retrieving electronic visual content from a remote server to a local client, through an intermediary apparatus (col. 2, lines 9 – 34; col. 3, lines 24 - 34);

locally editing the visual content at the local client by a user using a WYSIWYG editor, wherein said editor is a standard software used for displaying of content and wherein said editing does not require installation of software requiring user authorization and does not change content stored in said remote server (figs. 17a – 17b; col. 30, line 52 through col. 31, line 41; col. 42, lines 44 - 59; *Wies discloses that the end-users can customize the fell of files, folders, icons, etc. without changing the content stored at the remote server*);

automatically generating at least one customization definition based on said editing, said customization definition suitable for automatic applying to said visual content (col. 3, lines 35 – 64; col. 35, lines 1 - 26); and

modifying data provided at a later time according to the at least one customization definition for a presentation thereof at a plurality of local clients to a plurality of end users (col. 31, lines 24 – 42 and col. 42, lines 44 - 59); wherein the intermediary apparatus supports the editing of said visual content at the local client (col. 19, line 50 through col. 20, line 39; col. 41, line 57 through col. 42, line 20).

Regarding claim 2, Wies discloses the method according to claim 1, wherein said retrieving comprises retrieving a tagged data file (col. 18, lines 25 – 45; col. 18, line 66 through col. 19, line 10).

Regarding claim 3, Wies discloses the method according to claim 2, wherein said intermediary apparatus is an HTTP intermediary apparatus (col. 27, lines 28 – 53; col. 28, lines 20 - 43).

Regarding claim 4, Wies discloses the method according to claim 3, wherein said tagged data file is in a self-describing language (col. 27, lines 28 – 53; col. 28, lines 20 - 43).

Regarding claim 5, Wies discloses the method according to claim 4, wherein said language is a hyper-text mark-up language (col. 27, line 54 through col. 28, line 43).

Regarding claim 6, Wies discloses the method according to claim 3, wherein said editor comprises an internet browser (col. 2, lines 35 – 48; col. 11, lines 8 – 31; col. 19, line 50 through col. 20, line 21).

Regarding claim 7, Wies discloses the method according to claim 3, wherein automatically generating comprises detecting changes in said visual content caused by said editing, after said editing is preformed (col. 27, lines 3 – 20; col. 36, lines 1 - 53).

Regarding claim 8, Wies discloses the method according to claim 7, wherein detecting changes comprises detecting changes using a hierarchical comparison of the said visual content before and after the editing (col. 20, lines 22 - 39.

Regarding claim 9, Wies discloses the method according to claim 3, wherein said intermediary apparatus comprises a proxy (col. 27, lines 28 - 38).

Regarding claim 10, Wies discloses the method according to claim 3, wherein the intermediary modifies the retrieved visual content to allow at least one of said editing of the visual content at the local client or the automatically generating of the at least one customization definition (col. 3, lines 35 – 64; col. 35, lines 1 - 26).

Regarding claim 11, Wies discloses the method according to claim 10, wherein said modifying of the retrieved visual content comprises marking at least some of said visual content as editable (col. 4, lines 23 - 49).

Regarding claim 12, Wies discloses the method according to claim 10, wherein said modifying of the retrieved visual content comprises adding at least one control to said content (col. 19, lines 20 - 37).

Regarding claim 13, Wies discloses the method according to claim 10, wherein said modifying of the retrieved visual content comprises adding at least one client side code module to said visual content (col. 4, lines 23 - 49).

Regarding claim 14, Wies discloses the method according to claim 3, wherein automatically generating the at least one customization definition based on said editing comprises defining a spatial area to be customized (col. 39, lines 12 - 28).

Regarding claim 15, Wies discloses the method according to claim 3, comprising overriding at least one automatically generated customization definition by said user (col. 16, lines 27 - 45).

Regarding claim 16, Wies discloses the method according to claim 3, wherein said editing comprises editing without typing human understandable words (col. 30, line 52 through col. 31, line 41).

Regarding claim 17, Wies discloses the method according to claim 3, wherein said editing comprises editing by selection among choices (col. 30, line 52 through col. 31, line 41).

Regarding claim 18, Wies discloses the method according to claim 3, comprising manually defining at least one parameter of a customization definition (col. 3, lines 23 - 49).

Regarding claim 19, Wies discloses the method according to claim 18, wherein said manually defining comprises defining different types of translation for different parts of said visual content (col. 26, line 62 through col. 27, line 2).

Regarding claim 20, Wies discloses the method according to claim 15, wherein said overriding comprises requiring an exact match of an element of said visual content to a definition, for a customization to be applied (col. 16, lines 27 - 63).

Regarding claim 21, Wies discloses the method according to claim 15, wherein said overriding comprises allowing a match other than a one-to-one match to a definition, for a customization to be applied (col. 16, lines 27 - 63).

Regarding claim 22, Wies discloses the method according to claim 3, wherein a customization definition is defined by a context in said visual content (col. 30, line 52 through col. 31, line 41).

Regarding claim 23, Wies discloses the method according to claim 22, wherein said context is an expression defining elements in said visual content to be part of the context (col. 30, line 52 through col. 31, line 41).

Regarding claim 24, Wies discloses the method of according to claim 23, wherein said expression is a hierarchical expression (col. 30, line 52 through col. 31, line 41).

Regarding claim 29, Wies discloses the method according to claim 22, wherein a context is defined based on a spatial location, during a display of the visual content, of a label associated with an element to be customized (col. 38, line 3 through col. 39, line 28).

Regarding claim 30, Wies discloses the method according to claim 29, wherein an association of a label and an element is identified using a browser-internal script which finds spatial positions of the labels and spatial positions of nearby elements (col. 27, lines 3 – 38; col. 38, line 3 through col. 39, line 28).

Regarding claim 31, Wies discloses the method according to claim 3, wherein said intermediary authorizes said user to perform said editing (col. 38, line 3 through col. 39, line 28).

Regarding claim 32, Wies discloses the method according to claim 1, wherein the at least one customization definition is passed from said clients to said intermediary (col. 38, line 3 through col. 39, line 28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 25 – 30 and 41 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wies et al (US 6,161,126; hereinafter Wies) in view of Larcheveque et al (US 20090138790; hereinafter Larcheveque).

Regarding claim 25, Wies discloses substantially all the limitations, but fails to specifically disclose that said expression is an XPath or XPath-like type expression.

However, Larcheveque discloses an analogous structural editing with schema awareness, which chows an XPath or XPath-like type expression (paragraph [0006]). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wies by incorporating an XPath or XPath-like type expression as evidenced by Larcheveque for the purpose of addressing and filtering the elements and text of XML documents, thereby reducing the size of the semantic information required to transform the structure data into the rendered structure

document, which would in turn advantageously improve the performance of the rendering.

Regarding claim 26, Wies and Larcheveque disclose all the limitations in claim 26, and Larcheveque further discloses that said expression is generated automatically (paragraphs [0020], [0078], [0098], and [0102]). See motivation applied in claim 25.

Regarding claim 27, Wies and Larcheveque disclose all the limitations in claim 25, and Larcheveque further discloses that said expression is generated in response to an editing activity (paragraphs [0020], [0078], [0098], and [0102]). See motivation applied in claim 25.

Regarding claim 28, Wies and Larcheveque disclose all the limitations in claim 26, and Larcheveque further discloses that said expression is generated in response to a marking by a user (paragraph [0077]).

Claims 35 – 42 and 48 – 55 incorporate substantially all the limitations of claims 1 – 32 with minor modification in the claimed language. The reasons for rejecting claims 1 – 32 apply to claims 35 – 42 and 48 – 55. Therefore, claims 35 – 42 and 48 – 55 are rejected for the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Masahiro Hori, Mari Abe, and Kouichi Ono (Extensive Framework of Authoring Tools for Web Document Annotation; March 2003) (pages 8 - 10).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YVES DALENCOURT whose telephone number is (571)272-3998. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457